PATENT AF/2618



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Mikael JAAKKOLA

Application No.: 10 / 509,402 Group No.: 2618

Filed: September 23, 2004 Examiner: Tuan PHAM For: Personal Telecommunica-Reexamination control No.:

tion Device with Two Parts...

Mail Stop Appeal Brief—Patents Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

# TRANSMITTAL OF APPEAL BRIEF (AMENDED) (PATENT APPLICATION OR EX PARTE REEXAMINATION— 37 C.F.R. § 41.37)

NOTE: The phrase "the date on which" an "appeal was taken" in 35 U.S.C. 154(b)(1)(A)(ii) (which provides an adjustment of patent term if there is a delay on the part of the Office to respond within 4 months after an "appeal was taken") means the date on which an appeal brief under § 1.192 (and not a notice of appeal) was filed. Compliance with § 41.37 requires that: 1. the appeal brief fee (§ 41.20(b)(2)) be paid (§ 41.37(a)(2)); and 2. the appeal brief complies with §§ 41.73(c)(i)-(x). See Notice of September 18, 2000, 65 Fed. Reg. 56366, 56385-56387 (Comment 38).

 Transmitted herewith is the APPEAL BRIEF in this application, with respect to the Notice of Appeal filed on <u>February 26, 2008</u>

NOTE: Appellant must file a brief under this section within two months from the date of filing the notice of appeal under § 41.31. 37 CFR 41.(a)(1). The brief is no longer required in triplicate. The former alternative time for filing a brief (within the time allowed for reply to the action from which the appeal was taken)

#### CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*

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\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

(Transmittal of Appeal Brief [9-6.1]—page 1 of 5)

has been removed. Appellant must file within two months from the notice of appeal. See Notice of August 12, 2004, 69 FR 49960, 49962.

2. STATUS OF APPLICA	NT	
This application is on be	ehalf of	
other than a sn	nall entity.	
☐ a small entity.	-	
A statement:		
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3. FEE FOR FILING APPE		
	41.20(b)(2), the fee for fi	ling the Anneal Brief is:
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4. EXTENSION OF TERM		
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NOTE: The time periods set fo applications. 37 C.F.R.	rth in 37 C.F.R. § 1.192(a) are § 1.191(d). See also Notice of	subject to the provision of § 1.136 for patent November 5, 1985 (1060 O.G. 27).
maximum period specifi	ied in 35 U.S.C. § 133, the pen	n appeal brief is not subject to the six-month iod for filing an appeal brief may be extended 1203 O.G. 63, at 84 (Oct. 10, 1997).
		ation and the provisions of 37 C.F.R.
<b>WARNING:</b> The provisions of 3 extension must be	B7 CFR § 1.136 do not apply in made pursuant to 37 CFR 1.55	n an ex parte reexamination. Any requests for 50(c).
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Extension	Fee for other than	Fee for
(months)	small entity	small entity
<ul><li>☐ one month</li><li>☐ two months</li></ul>	\$ 120.00 \$ 450.00	\$ 60.00 \$ 235.00
☐ three months	\$ 1,020.00	\$ 225.00 \$ 510.00
☐ four months	\$ 1,590.00	\$ 795.00
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An extension for months has already been secured, and the fee paid therefor of \$ is deducted from the total fee due for the total months of extension now requested.
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(Transmittal of Appeal Brief [9-6.1]—page 3 of 5)

Date: June 16, 2008

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SIGNATURE OF PRACTITIONER

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(Transmittal of Appeal Brief [9-6.1]—page 4 of 5)



### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

First named inventor:

Mikael JAAKKOLA

Serial No.:

10/509,402

Filed:

September 23, 2004

Title:

Personal Telecommunication Device with Two Parts and

**Pronounced Potential for Self-Expression** 

**Group Art Unit:** 

2618

Examiner:

Tuan PHAM

MAIL STOP: **APPEAL BRIEFS--PATENTS**COMMISSIONER FOR PATENTS
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### **AMENDED APPEAL BRIEF**

Sir:

This amended brief is in reply to the Notification of Non-Compliant Appeal Brief mailed on June 5, 2008, which was in response to the Appeal Brief filed on May 22, 2008 that was in furtherance of the Notice of Appeal filed in this case on February 26, 2008, which was submitted along with a Pre-Appeal Brief Request for Review. The Notice of Panel Decision from Pre-Appeal Brief Review mailed April 17, 2008 indicated that the application remains under appeal. This is an appeal from the final Office Action mailed September 26, 2007 rejecting claims 1-26 and the Advisory Action of February 5, 2008.

I hereby certify that this communication is being deposited with the United States Postal Service today, <u>June 16, 2008</u>, jn, an envelope with sufficient postage as first-class mail addressed to the Commissioner of Figure 15, P.O. Box 1450, Alexandria, VA 22313-1450.

Lissette Ramos

### I. THE REAL PARTY IN INTEREST (37 C.F.R. §41.37(c)(1)(i))

The real party in interest is Nokia Corporation, a corporation organized under the laws of Finland having a principal place of business at Keilalahdentie 4, FIN-02150 Espoo, Finland.

### II. RELATED APPEALS AND INTERFERENCES (37 C.F.R. §41.37(c)(1)(ii))

There are no related appeals and interferences.

### III. STATUS OF CLAIMS (37 C.F.R. §41.37(c)(1)(ii))

The final Office action examined claims 1-26 and rejected claims 1-26 under 35 USC §103(a). The rejection of claims 1-26 is being appealed.

### IV. STATUS OF AMENDMENTS (37 C.F.R. §41.37(c)(1)(iv))

No amendments have been filed since the mailing of the final Office action.

### V. SUMMARY OF CLAIMED SUBJECT MATTER (37 C.F.R. §41.37(c)(1)(v))

Claim 1 recites a personal communication device 100 comprising a keypad 105, a display (103, 233), two mechanically separated parts; namely, a keypad part (102, 402) that comprises the keypad 105 and an amulet (104, 401), and a short distance communication link 106 (Figure 1, 4a, 4b, page 4, line 32 through page 5, line 11). The amulet comprising a hanging arrangement 104 for allowing the amulet to be worn on the torso of a human user so that the display 103 is directed away from the human user to allow the human user to self-express himself/herself (Figure 1, page 4, line 32 through page 5, line 11 and page 13, lines 13-25). The amulet further comprises a microphone 413 and an electroacoustic transducer 412 for setting up an audio interface between the personal communication device and a human user (Figure 4b and page 8, lines 16-33).

Independent personal communication device claim 23 corresponds to claim 1, but written using means plus function terminology, wherein the means plus function is identified with respect to structure described in the specification as corresponding to each claimed function as follows:

means for allowing a human user to input information to the personal communication device (Figure 1, keypad 105, page 5, lines 6);

means for displaying information to a human user of the personal communication device (Figure 1, display 103, page 4, lines 34-36);

means for allowing said amulet to be worn on the torso of a human user so that the display is directed away from the human user (Figure 1, hanging arrangement 104, page 5, lines 1-6);

two mechanically separate structural parts (Figure 1, keypad part 102, and amulet 101, page 4, lines 33-34);

a short distance communication link (Figure 1, link 106, page 5, lines 7-11).

Independent claim 17 recites an amulet part (101, 401) for a personal telecommunication device 100 (Figures 1, 4a, and 4b, page 4, lines 32-34) comprising a display (103, 233) for displaying information to a human user of the personal communication device (Figures 1 and 4b, page 4, lines 34-36), a microphone 413, and an electroacoustic transducer 412 for setting up an audio interface with a user of the amulet (Figure 4b, page 8, lines 20-23), a transceiver for establishing a communication between the microphone and the electroacoustic transducer and the personal communication device and for receiving information to be presented in said display from another part of the personal communication device (Figure 4b, transceiver 331, page 8, line 38 through page 9, line 6), and a hanging arrangement 104 for allowing the amulet part to be worn on the torso of the user so that the display is directed away from the human user (Figures 1 and 4a, page 5, lines 1-4).

Independent claim 25 corresponds to independent claim 23, but written using means plus function terminology, wherein the means plus function is identified with respect to structure described in the specification as corresponding to each claimed function as follows:

means for displaying (Figure 4b, display 233, page 7, lines 10-13);

means for setting up an audio interface with a use of the amulet (Figure 4b, microphone 413 and electroacoustic transducer 412, page 8, lines 20-23);

means for establishing a communication between the audio interface means and the personal communication device and for receiving information to be presented on the means for displaying information (Figure 4b, transceiver 331, page 8, line 38 through page 9, line 6); and

means for allowing the amulet part to be worn on the torso of the user so that the display is directed away from the human user (Figures 1 and 4a, hanging arrangement 104, page 5, lines 1-4).

## VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL (37 C.F.R. §41.37(c)(1)(vi))

Claims 1-6, 8-16, and 23-24 are rejected under 35 USC §103(a) as being unpatentable over Kanesaka, et al (US patent 6,825,830) (hereinafter Kanesaka), in view of Marshall (US patent application publication 2002/0095538), and further in view of Morton (US patent application publication 2002/0178631).

Dependent claim 7 is rejected under 35 USC §103(a) as unpatentable over Kanesaka in view of Marshall further in view of Morton as applied to claim 1 further in view of Adams, et al (US patent application publication 2004/0240163) (hereinafter Adams).

Claims 17, 18, 22, 25, and 26 are rejected under 35 USC §103(a) as being unpatentable over Marshall in view of Kanesaka further in view of Morton.

Claims 19-21 are rejected under 35 USC §103(a) as unpatentable over Marshall in view of Kanesaka in view of Morton as applied to claim 17, and further in view of Mackey (US patent 5,956,630).

### VII. ARGUMENT (37 C.F.R. §41.37 (c)(1)(vii))

Rejection Under 35 USC §103(a) Over Kanesaka in View of Marshall in View of Morton (Claims 1-6, 8-16, 23, and 24)

With respect to claim 1, the Office asserts that Kanesaka has the same elements as the present invention except that Kanesaka fails to teach that the amulet comprises a microphone and speaker (electroacoustic transducer) for setting up an audio interface between the personal telecommunication device and a human user, which the Office asserts Marshall teaches, and further that Kanesaka and Marshall fail to teach the display as directed away from the human user to allow the human user to self-express himself/herself, which the Office asserts Morton teaches.

Kanesaka is directed to an information processing system having a wireless communication and thus is in the field of personal communication devices. As shown in Figure 1, it has a first information processing device (portable telephone) 100 and a second information processing device 101 with a second display 120. This second device is stated as being for displaying second level information corresponding to a sub-level of a first level of information shown on display 110 of portable telephone 100. There is no teaching or suggestion that this second display is for purposes of self-expression of the person using the device.

Marshall is directed to a portable information storage module whose main purpose is to offer a means for a user to personally entertain himself/herself with media such as a movie or music that is stored on a miniature electronic memory in the device and which is downloaded from an entertainment library 30 (see Figure 1). The device, including that shown in Figure 8, is not a personal telecommunication device.

The Office asserts that Marshall, by showing a microphone 206 and speaker 208 in a separate housing (module 200, Figure 8) would be combinable with Kanesaka for transforming the information processing system in Kanesaka so as to operate in a manner similar to claim 1. However, it is clear in Kanesaka that the audio portion of the portable telephone 100 is actually in the portable telephone as seen in Figure 1 thereof and the description at column 4, lines 18-39. Portable telephone 100 is specifically described as including a speaker 204 and a microphone 205 (Kanesaka, column 5, lines 17-22). The second information processing device 101 is simply for purposes of having a display screen 120 for displaying second level information corresponding to a sub-level of the first level of information displayed by the portable telephone 100 (Kanesaka, column 4, lines 40-63).

There would be absolutely no reason for modifying the second information processing device 101 which is shown only with a display to further include an additional microphone and speaker. To do so as suggested by the Office would therefore teach away from Kanesaka and would, in fact, make Kanesaka inoperative by having two

speakers and two microphones, one of each in two physically separated components. In MPEP §2143.01 V, it is specifically stated that if the proposed modification of the prior art would render the prior art being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification (citing In re Gordon 733 F2d 900, 221 USPQ 1125 (Fed. Cir. 1984)). Just as in Gordon where the Court found that the Office's conclusion that it would be obvious to turn the referenced device upside down to show obviousness of the claimed invention and where the Court found that to do so would make the device inoperable for its intended purpose, here also, to combine a microphone and speaker as shown in Marshall to the second information processing device 101 in Kanesaka would effectively place a speaker and microphone in both the second information processing device 101, as well as in the portable telephone (first information processing device 100) of Kanesaka and thus would render the overall information processing device unsatisfactory for its intended purpose. In short, telephones do not have two microphones in two physically separated components, nor do they have two speakers in two physically separated components; for to do so would be nonsensical and non-functional.

Morton is unlike both Kanesaka and Marshall in that it is directed to a medical information storage and display device, the main purpose being to identify the person that wears the device, as well as their medical information so as to be viewable by medical personnel when required. Although display 28 shown in Figure 3 of Morton as discussed in cited paragraph [0029] is for purposes of displaying medical information, it is clear that such medical information is displayed by pressing button 30 and is for purposes of providing information to a doctor or other medical personnel, especially if the user of the device is incapacitated. Thus, such a display is clearly not for purposes of self-expression since, in fact, it is an electronic identification tag.

It is therefore respectfully submitted that the combination of Kanesaka, Marshall, and Morton as suggested by the Office with respect to claim 1 does not suggest claim 1 since the combination of Marshall with Kanesaka in the manner as suggested by the Office would make Kanesaka unsatisfactory for its intended purpose and since the display device in Morton would, when combined with Kanesaka and Marshall, not make up for the inoperativeness of the combination of Kanesaka and Marshall. Furthermore, Morton does

not suggest the displaying of information to third parties in order to allow the user of the display to self-express himself/herself.

For all of the foregoing reasons, it is therefore respectfully submitted that claim 1 is not obvious in view of the cited art.

### Claim 23

For similar reasons, independent personal communication device claim 23 is distinguished over the cited references since it corresponds to claim 1, but written using means plus function elements.

### Claims 2-6, 8-16, and 24

Dependent claims 2-6, and 8-16 ultimately depend from claim 1 and claim 24 depends from claim 23, and are not suggested by the cited references at least in view of such dependency. See In re Fine, 5 USPQ 2d 1596, 1600 (Fed. Cir. 1988) (if an independent claim is not obvious under 35 USC §103, then any claim depending therefrom is not obvious).

Rejection Under 35 USC §103(a) Over Kanesaka in View of Marshall in View of Morton, Further in View of Adams (Claim 7)

Claim 7 is rejected under 35 USC §103(a) as unpatentable over Kanesaka in view of Marshall further in view of Morton as applied to claim 1 further in view of Adams. Claim 7 depends from claim 1 and is not suggested by the cited references at least in view of its dependency. See In re Fine, 5 USPQ 2d 1596, 1600 (Fed. Cir. 1988).

Rejection Under 35 USC §103(a) Over Marshall in View of Kanesaka in View of Morton, Further in View of Mackey (Claims 19-21)

Dependent claims 19-21 are rejected under 35 USC §103(a) as unpatentable over Marshall in view of Kanesaka further in view of Morton as applied to claim 17 further in view of Mackey. These claims ultimately depend from independent claim 17 and are not disclosed or suggested by the cited references at least in view of their dependencies. See In re Fine, 5 USPQ 2d 1596, 1600 (Fed. Cir. 1988).

Rejection Under 35 USC §103(a) Over Marshall in View of Kanesaka, Further in View of Morton (Claims 17, 18, 22, 25, and 26)

The same references as applied with respect to claims 1-6, 8-16, 23, and 24 are applied to claims 17, 18, 22, 25 and 26, but in a different order. Independent claims 17 and 25 are directed specifically to an amulet part for a telecommunication device. As discussed above with regard to claim 1, the combination of these three references fails to disclose the combination of elements, including the feature of a hanging arrangement for allowing the amulet part to be worn on the torso of a user so that the display is directed away from the user to allow the user to self-express himself/herself via said display of said amulet part. The amulet part further comprises a microphone and an electroacoustic transducer for communication with the personal telecommunication device. The combination of Kanesaka and Marshall would necessarily result in there being two speakers and two microphones in the respective devices which, as indicated above, would cause the prior art information processing device of Kanesaka to be modified in a manner which would make it unsatisfactory for its intended purpose. It is therefore respectfully submitted that claim 17 is distinguished over the cited art.

For similar reasons, independent amulet part claim 25 is distinguished over the cited art, since it corresponds to claim 17, but written using means plus function elements.

Dependent claims 18 and 22 depend from claim 17 and claim 26 depends from claim 25 and are not disclosed or suggested by the cited references at least in view of their dependencies. See In re Fine, 5 USPQ 2d 1596, 1600 (Fed. Cir. 1988).

### Conclusion

For all of the aforementioned reasons, it is respectfully submitted that the rejections of all the claims in the application; namely, claims 1-26, are erroneous and the rejections should be reversed. Allowance of all the claims in the application is earnestly solicited.

The Commissioner is hereby authorized to charge to deposit account 23-0442 for any fee deficiency required to submit this paper.

Respectfully submitted,

June 16, 2008

Date

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### VIII. CLAIMS APPENDIX (37 C.F.R. §41.37 (c)(1)(viii))

The claims involved in the appeal are as follows:

- 1. (previously presented) A personal telecommunication device comprising:
- a keypad for allowing a human user to input information to the personal telecommunication device and
- a display for displaying information to a human user of the personal telecommunication device,
- two mechanically separate structural parts, of which a first part is a keypad part that comprises the keypad and a second part is an amulet that comprises the display,
- a short distance communication link between said keypad part and said amulet,
- said amulet further comprising a hanging arrangement for allowing said amulet to be worn on the torso of a human user so that the display is directed away from said human user to allow said human user to self-express himself/herself via said display of said amulet, and a microphone and an electroacoustic transducer for setting up an audio interface between the personal telecommunication device and a human user.
- 2. (previously presented) A personal telecommunication device according to claim 1, wherein said keypad part comprises a main processor adapted to control the operation of the personal telecommunication device, as well as a radio transceiver coupled to said main processor for arranging bidirectional radio communication between the personal telecommunication device and a digital cellular radio network.
- 3. (previously presented) A personal telecommunication device according to claim 2, wherein the short distance communication link between said keypad part and said amulet is a unidirectional link from said keypad part to said amulet.
- 4. (previously presented) A personal telecommunication device according to claim 2, wherein said amulet comprises an input device, and the short distance communication link between said keypad part and said amulet is a bidirectional link adapted to convey

input information from said input device in said amulet to said main processor in said keypad part.

- 5. (previously presented) A personal telecommunication device according to claim 2, wherein said keypad part comprises a microphone and an electroacoustic transducer for setting up an audio interface between the personal telecommunication device and a human user.
- 6. (previously presented) A personal telecommunication device according to claim 1, wherein in addition to said microphone said amulet comprises another input device that comprises at least one pressable key.
- 7. (previously presented) A personal telecommunication device according to claim 1, wherein in addition to said microphone said amulet comprises another input device that comprises a touch screen integrated with said display.
- 8. (previously presented) A personal telecommunication device according to claim 1, wherein said amulet comprises a power switch for switching an operating power on and off.
- 9. (previously presented) A personal telecommunication device according to claim 1, wherein said amulet comprises a main processor adapted to control the operation of the personal telecommunication device, and said keypad part comprises a radio transceiver coupled to said main processor through a bidirectional short distance communication link between said keypad part and said amulet for arranging bidirectional radio communication between the personal telecommunication device and the digital cellular radio network.
- 10. (previously presented) A personal telecommunication device according to claim 1, wherein said amulet comprises a main processor adapted to control the operation of the personal telecommunication device, as well as a radio transceiver coupled to said main

processor for arranging bidirectional radio communication between the personal telecommunication device and a digital cellular radio network.

- 11. (previously presented) A personal telecommunication device according to claim 10, wherein the short distance communication link between said keypad part and said amulet is a unidirectional link from said keypad part to said amulet.
- 12. *(previously presented)* A personal telecommunication device according to claim 1, further comprising:
- a third mechanically separate structural part, which is a display part and comprises a display that is larger than the display in said amulet, and
- a short distance communication link between said display part and the other parts of the personal telecommunication device.
- 13. (previously presented) A personal telecommunication device according to claim 1, wherein
- said keypad part is a mobile station of a cellular radio network which is functionally completely independent of said amulet,
- said mobile station comprises a general purpose short distance transceiver for setting up and maintaining short distance communication connections with other devices, and
- said mobile station is adapted to transmit a copy of certain information destined to a display in said mobile station to said amulet through said general purpose short distance transceiver.
- 14. *(previously presented)* A personal telecommunication device according to claim 1, wherein said amulet is adapted to communicate with other devices in addition to said keypad part.
- 15. (previously presented) A personal telecommunication device according to claim 14, wherein said amulet comprises a connector for connecting it into a receptive socket in another device.

- 16. *(previously presented)* A personal telecommunication device according to claim 1, wherein said amulet is mechanically incompatible with said keypad part.
- 17. (previously presented) An amulet part for a personal telecommunication device, comprising:
- a display for displaying information to a human user of the personal telecommunication device,
- a microphone and an electroacoustic transducer for setting up an audio interface with a user of the amulet.
- a transceiver for establishing a communication between the microphone and electroacoustic transducer and the personal telecommunication device and for receiving information to be presented in said display from another part of the personal telecommunication device, and
- a hanging arrangement for allowing the amulet part to be worn on the torso of the user so that the display is directed away from said human user to allow said human user to self-express himself/herself via said display of said amulet.
- 18. (previously presented) An amulet part according to claim 17, wherein said hanging arrangement comprises a string with two ends attached to a body of the amulet part so that the string constitutes a loop.
- 19. (previously presented) An amulet part according to claim 18, wherein the microphone and the electroacoustic transducer are positioned at the end of a cord extending from said body of the amulet part, a certain length of which cord is attached to said string.
- 20. (previously presented) An amulet part according to claim 19, comprising two cords and wherein the microphone and the electroacoustic transducer are each located at the end of one of said cords extending from said body of the amulet part, so that a certain length of each cord is attached to said string and between said certain length and the

microphone or transducer at the end of the cord, each cord hangs free from attachments to said string.

- 21. *(previously presented)* An amulet part according to claim 17, wherein it comprises a broadcast receiver for receiving radio broadcasts.
- 22. (previously presented) An amulet part according to claim 17, wherein it comprises a memory for storing graphical information that is adapted to be shown on said display as a logo.
- 23. (previously presented) A personal telecommunication device comprising:
- means for allowing a human user to input information to the personal telecommunication device and
- means for displaying information to a human user of the personal telecommunication device,
- two mechanically separate structural parts, of which a first part comprises the means for allowing a human user to input information, and a second part is an amulet that comprises the means for displaying,
- a short distance communication link between said first part and said amulet,
- said amulet further comprising means for allowing said amulet to be worn on the torso of a human user so that the display is directed away from said human user to allow said human user to self-express himself/herself via said display of said amulet and means for setting up an audio interface between the personal telecommunication device and a human user.
- 24. (previously presented) A personal telecommunication device according to claim 23, wherein said first part comprises a main processor adapted to control the operation of the personal telecommunication device, as well as a radio transceiver coupled to said main processor for arranging bidirectional radio communication between the personal telecommunication device and a digital cellular radio network.

- 25. (previously presented) An amulet part for a personal telecommunication device, comprising:
- means for displaying information to a human user of the personal telecommunication device,
- means for setting up an audio interface with a use of the amulet,
- means for establishing a communication between the audio interface means and the personal communication device and for receiving information to be presented on the means for displaying information, and
- means for allowing the amulet part to be worn on the torso of the user so that the display is directed away from said human user to allow said human user to self-express himself/herself via said display of said amulet.
- 26. (previously presented) An amulet part according to claim 25, wherein said means for allowing the amulet part to be worn comprises a string with two ends attached to a body of the amulet part so that the string constitutes a loop.

### IX. EVIDENCE APPENDIX (37 C.F.R. 41.37 (c)(1)(ix))

None.

### X. RELATED PROCEEDINGS APPENDIX (37 C.F.R. 41.37(c)(1)(x))

None.